

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHAUKAT "SAL" MAREDIA, et al.,) 1:05-cv-00393-OWW-SMS
)
Plaintiffs,) INFORMATIONAL ORDER TO THE
) PARTIES AFTER THE FILING OF
v.) DEFENDANT'S AND COUNTERCLAIMANT'S
) COUNSEL'S DECLARATION REGARDING
PHILIP MORRIS USA INC., et) PLAINTIFF'S FAILURE TO COMPLY
al.,) WITH A COURT ORDER (DOC. 63)
)
Defendants.)
_____)
)
PHILIP MORRIS USA INC.,)
)
Counter-Claimant,)
)
v.)
)
SHAUKAT "SAL" MAREDIA,)
)
Counter-Defendant.)
_____)

Plaintiff and Counter-Defendant Saukat "Sal" Maredia is proceeding with a civil action in this Court. Defendant answered and filed a counterclaim for breach of contract and restitution on August 12, 2005. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rules 72-302(c)(1) and 72-303.

On March 24, 2006, the Court Plaintiff did not appear at a hearing on Defendant's motion to compel discovery responses. The

1 Court granted Defendant's motion to compel further discovery
2 responses and request for sanctions by order filed and served on
3 March 24, 2006. The Court directed that Plaintiff had until April
4 14, 2006, to serve complete answers and responses and to produce
5 all documents in Plaintiff's possession that were responsive to
6 all of Defendant's requests for production. The Court further
7 ordered that Plaintiff pay \$2,250.00 to Defendant via Defendant's
8 counsel no later than April 14, 2006.

9 On April 18, 2006, Leopoldo J. Chanco of Jedeikin,
10 Spaulding, Meadows & Schneider filed a declaration under penalty
11 of perjury to the effect that Plaintiff had as of that date
12 failed to serve any discovery responses, pay any sanctions, or
13 otherwise communicate with counsel for Defendant. The Court
14 believes that this declaration was filed because of a reference
15 by the Court at the hearing on the discovery motions to further
16 proceedings if Plaintiff were to fail to comply with the Court's
17 order.

18 In his declaration, Mr. Chanco seeks affirmative relief in
19 the form of sanctions, including dismissal of Plaintiff's
20 complaint with prejudice, striking Plaintiff's answer to
21 Defendant's counterclaim, and entry of Plaintiff's default on the
22 counterclaim.

23 The parties ARE INFORMED that because Plaintiff seeks
24 dismissal, the striking of defenses, and entry of default against
25 a party who has appeared and responded to the counterclaim,
26 Plaintiff appears to pray for dispositive relief that is
27 appropriately sought by noticed motion to the District Judge.

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IT IS SO ORDERED.

Dated: May 9, 2006
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/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE